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OFFICE OF THE GOVERNOR

KATHLEEN SEBELIUS, GOVERNOR

July 15, 2003

Mr. James Guilliford  
Regional Administrator  
USEPA, Region VII  
901 N. 5th Street  
Kansas City, KS 66101

Dear Mr. Guilliford:

This letter is in response to the requirement to submit area designations for the 8-hour National Ambient Air Quality Standard for ozone.

The following recommendations are being made regarding designation of areas within Kansas as nonattainment or attainment/unclassifiable for purposes of the 8-hour standard for ozone:

Nonattainment: Johnson County and Wyandotte County

Attainment/unclassifiable: The remaining counties of the state.

The recommendation regarding Johnson and Wyandotte counties is based upon the analysis of ozone monitoring data from 2000 through 2002, ozone precursor emissions, meteorological conditions, population data, vehicle miles traveled and additional criteria. The basis for this recommendation was formed through the efforts of a technical work group coordinated by the Mid-America Regional Council (MARC). The work group was a cooperative effort that included representatives of local government, the State of Missouri Department of Natural Resources (MDNR), and MARC. Staff from EPA Region 7 also observed work group activities. The design value for the recommended Kansas City nonattainment area in relation to the 8-hour ozone standard is 0.085 parts per million, recorded at the Liberty site, 29-047-0005, in Clay County, Missouri.

Designation of only Johnson and Wyandotte counties within the Kansas portion of the Kansas City metropolitan statistical area (MSA) is consistent with EPA guidance. All Kansas counties outside the current maintenance area that are inside the MSA were reviewed for possible inclusion in the nonattainment designation, along with Douglas and Linn Counties. Based upon the factors specified in EPA's March 28, 2000 guidance, no Kansas counties outside the

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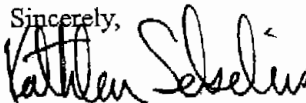
recommended five-county nonattainment area significantly cause or contribute to ozone violations within the recommended Kansas City nonattainment area.

The recommendation to designate the remainder of the state as attainment/unclassifiable is based upon the fact that no reference method monitoring of sufficient duration has been conducted in the counties designated attainment/unclassifiable except in Sedgwick, Linn and Sumner Counties. Ozone monitoring data collected at monitoring sites located in these counties demonstrate that they meet the 8-hour ozone standard.

This recommendation does not include the following tribal lands: the Prairie Band of the Potawatomi Indian Reservation in Jackson County, and the Kickapoo Nation Indian Reservation, the Sac and Fox Tribe Indian Reservation and the Iowa Tribe Indian Reservation in Brown County.

Documentation supporting these recommendations is being submitted under separate cover and electronically by the Department of Health and Environment. The documentation justifies exclusion of Leavenworth and Miami counties, which are located within the Kansas City MSA, from the recommended nonattainment designation. Feel free to contact Ronald Hammerschmidt, Ph.D., Director of the Division of Environment at 785-296-1535 if you have any questions regarding these recommendations or the analyses upon which the recommendations are made.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kathleen Sebelius', is written over the printed name.

Kathleen Sebelius  
Governor of Kansas